

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1691B

WHEREAS, Hoegemeyer-Palmer Construction, Inc. has submitted an application designated as Special Permit No. 1691B for authority to amend Shadow Pines 1st Community Unit Plan to adjust the rear yard setbacks from 22 feet to 17 feet for lots located along the west side of South 57th Street, south of Shadow Pines Drive, and legally described to wit:

Lots 5 through 8, Block 2, and Outlot C, Shadow Pines Addition, located in the Southwest Quarter of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this adjustment to the rear yard setbacks will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Hoegemeyer-Palmer Construction, Inc., hereinafter referred to as "Permittee", to amend Shadow Pines 1st Community Unit Plan to adjust the rear yard setbacks from 22 feet to 17 feet for Lots 5, 6, 7, 8, Block 2, and Outlot C, Shadow Pines Addition, be and the same is hereby granted under the provisions of Section 27.63.320 and

Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a reduction in the rear yard setback for Lots 5, 6, 7, and 8, Block 2, and Outlot "C", Shadow Pines Addition from 22'0" to 17'0".
2. Before receiving building permits:
 - a. The Permittee must submit an acceptable revised and reproducible final plan.
 - b. The construction plans must conform to the approved plans.
3. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the

City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans. All resolutions approving Special Permit No. 1691 and Amendment A thereto remain in force except as specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant